

CHAPTER 5 ACCOUNTABILITY - CONTENTS

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5.1 COUNTY CANVASSING BOARD & VOTER INTENT**RCW 29A.60**

The County Canvassing Board is a 3-member board that makes many important determinations before certifying an election. Decisions are made by a quorum, meaning, two of the three members must agree in order for any decision to be valid.

WHO SERVES ON THE COUNTY CANVASSING BOARD?

It is the statutory duty for canvassing board members to canvass and certify the election.

- County Auditor (or Deputy Auditor)
- Prosecuting Attorney (or Deputy PA)
- Chair of Legislative Authority (or another member of legislative authority)

Members are designated on an election-by-election basis, or until revoked by the designee.

Each designation must be separate, written and on file in the County Auditor's office prior to undertaking board duties.

WHAT IF A CANVASSING BOARD MEMBER IS ALSO A CANDIDATE?

- A candidate on the ballot may make decisions, but only with respect to votes cast for other offices, an entire ballot, or groups of ballots.
- If the member removes himself/herself from the decision making process, the other two members make the determination. If the outcome of the race will be decided by their determination, the OSOS is available to break a tie.

WHAT DOES A CANVASSING BOARD MEETING LOOK LIKE?

- As required by law, the board must adopt written procedures
- All county canvassing board meetings fall under the Open Public Meetings Act
- A public notice must be published for every meeting
- In the course of a meeting, decisions are made by quorum. Two members of the board must agree
- Records must be kept of all meetings (written minutes, tape recording, and/or video recording)

RCW 29A.60.140;
WAC 434-262-025

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CANVASSING BOARD DUTIES ...AND WHICH DUTIES MAY BE DELEGATED TO YOU?

Duties may be delegated with a written authorization from the board. Duties that may be delegated:

- Emergency Logic and Accuracy tests (WAC 434-335-310)
- Determining the validity of provisional ballots in certain situations (WAC 434-262-032)
- Breaking tied races
- Verifying the Auditor's abstract of votes
- Processing special absentee ballots
- Administering recounts
- Voter registration challenges
- Determining voter intent according to rules outlined in "Statewide Standards on What is a Vote"

CANVASSING BOARD DUTIES THAT MAY NOT BE DELEGATED {TO YOU}

- Determining the validity of challenged ballots
- Determining the validity of provisional ballots presented to the board for rejection
- Rejecting ballots
- Certifying the election

WHEN DOES THE BOARD CERTIFY THE ELECTION?

- On the 14th day after a special election or primary
- On the 21st day after a general election

WHAT CONSTITUTES A VOTE?

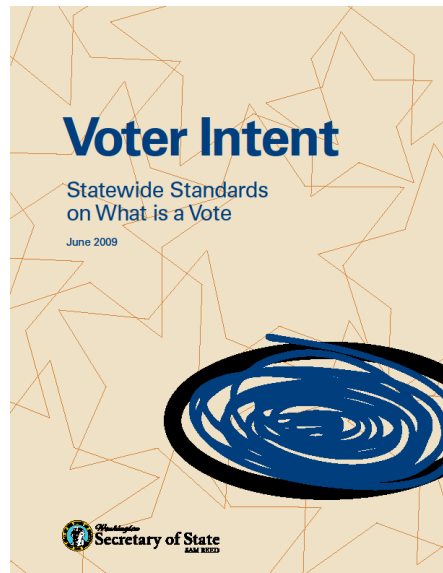
Events in election history have propelled the need to set standards.

- In response to the 2000 Presidential Election, Congress passed the Help America Vote Act in 2002 (HAVA)
- HAVA mandated that states adopt uniform standards that define what constitutes a vote and what counts as a vote for each voting system in the state
- Adhering to standards is necessary to ensure consistency across the state and prevent equal protection violations

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WHAT IS THE STANDARD?**WAC 434-261-086***"Statewide Standards on What is a Vote"*

- Published by the Washington Secretary of State's Certification & Training Program; created in cooperation with County Auditors and County Canvassing Boards; adopted into the Washington Administrative Code
- Pictorial examples of voted ballots which represent all types of ballots currently used in Washington State
- Provides rules for the canvassing boards
- Strives for consistency statewide



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5.2 COMPLETING THE ELECTION

RCW 29A.60, WAC 434-262

BEFORE CERTIFYING A PRIMARY OR AN ELECTION

The following must be completed before a primary or an election may be certified:

- Audit of direct recording electronic devices (DREs) used for voting
- Credit to all voters whose ballots were valid and counted
- Complete reconciliation reports of ballots

In order to finalize all of these tasks you should allow time between the final canvass of ballots and the certification meeting.

AUDIT OF DRE

Prior to certification, you must complete an audit of DREs. The audit requirement does not apply to ES&S AutoMARKS®.

Each county is required to have written procedures for the audit process that include:

- Testing of one DRE or up to 4% of the total DREs used, whichever is greater
- Restriction that no audit is conducted if the county does not have a contest with at least 11 votes cast on each DRE
- Selection of DREs to be audited must be random
- Electronic results of three races will be compared with the results recorded on the voter verified paper (VVPAT)
 - One quarter must be done manually
 - Three quarters may be done with a mechanical device
- Official request for political party observers

CREDITING VOTERS

Crediting of voters is part of ballot processing. If a vote counts in the election, the voter receives credit in his or her voting history.

If a ballot is suspended for canvassing board determination, credit for voting is also suspended. Following canvass, if the ballot status is determined to be valid, the status of the ballot must be changed give credit to the voter.

Crediting of mail ballot voters must be completed before certification of the election.

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BALLOT RECONCILIATION

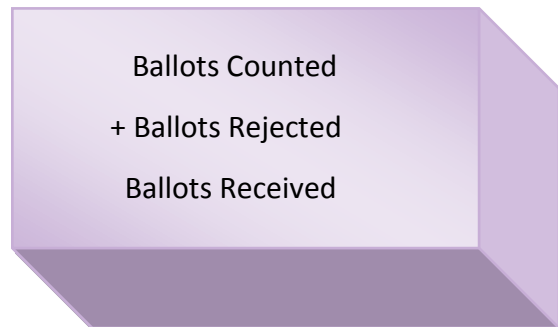
Accurate reconciliation of ballots for an election or primary depends upon daily accounting during initial processing and final processing. Daily reconciliation is critical to successful final accounting for all ballots.

Reconcile the number of

- Ballots received – as documented in initial ballot processing
- Signatures checked – derived from the election management system
- Ballots sent to the canvassing board – from the canvassing board minutes and daily records
- Envelopes with ballots set aside for signature updates/unsigned ballots – obtain by manual count
- Ballots counted – from tabulation reports
- Any other categories that will account for **every** ballot received in your office

Ballot reconciliation is not complete until ALL ballots are processed, including provisional, DREs and ballots sent to the canvassing board for rejection.

Ballots are reconciled to a very simple equation:



If the numbers do not reconcile, you **MUST** take both of the following actions

- Document the steps taken to resolve the discrepancy
- Present the documentation with the reconciliation report to the canvassing board when certifying the election or primary

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RECONCILIATION REPORT

The reconciliation report must be presented to the Canvassing Board when certifying an election or primary.

State law requires reconciliation reports include the number of

- Registered voters
- Ballots issued, received, counted, and rejected
- Provisional ballots issued, received, counted, and rejected
- Federal write-in ballots received, counted, and rejected
- Overseas and service ballots issued, received, counted, and rejected
- The number of voters credited with voting
- Any additional information needed to account for all ballots, such as the number ACP and special absentee ballots
- The sum of the details must equal the ballots reported as counted / rejected and received

If the number of ballots does not balance, documentation of the efforts to find the discrepancy must be included. This report must be included in the official election certification documents.

The report must be publicly available at the County Auditor's Office and/or on the County Auditor's website.

Do not wait until the day of certification to complete the report. Small adjustments may be made to the report just prior to certification.

CERTIFICATION OF ELECTIONS

COUNTY RESPONSIBILITIES

Certify elections

- 14 days after a special or primary election
- 21 days after a general election

IMPORTANT—Canvassing Board must complete canvass and certify results **ON** this day.

- Certification is an open public meeting
- All Canvassing Board members, or designees, must be present to certify the election

PLAN AHEAD

- Make appointments with Canvassing Board well in advance of certification day
- Conduct the final count the day before or early on the day of certification
- Finish as early on certification day as possible
- Prepare all reports and forms, set up, and schedule support staff to cover counter and phones

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- The Auditor's Oath and Board Certificate (see next page) must include the signatures and original seals of the Auditor

Oath of County Auditor or Supervisor of Elections

STATE OF WASHINGTON)

ss. COUNTY OF _____)

I solemnly swear that the returns of the (insert election) held on (insert date), in _____ County, State of Washington, have been in no way altered and that they are the same as when they were deposited in my office.

County Auditor or Supervisor of Elections

Subscribed and sworn to me this ____ day of (insert month, year).

Form is available at

<http://www.sos.wa.gov/elections/administrators.aspx>

County Legislative Authority

Certification of the Canvassing Board

STATE OF WASHINGTON)

ss. COUNTY OF _____)

The undersigned officers designated by law as constituting the Canvassing Board for the County of _____, State of Washington, hereby certify that this is a full, true and correct copy of the Abstract of Votes including the cumulative results, precinct results, and a reconciliation report of votes cast at the (insert election) held on (insert date), in _____ County, State of Washington, and that the following are the true and reconciled numbers of voters and votes counted.

Witness our hands and official seal this ____ day of (insert month, year).

County Auditor or Supervisor of Elections

Chairman, County Legislative Authority

County Prosecuting Attorney

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IMMEDIATELY AFTER CERTIFYING

Upload general election/primary results to the WEI reporting page.

- Special election results for local districts may be uploaded if the county uses WEI web support. The WEI Online Help Manual provides step-by-step instructions
- Transmit results for state offices/measures to the Office of the Secretary of State

OSOS RESPONSIBILITIES

By the 17th day following a primary the Secretary of State's office will canvass and certify returns for

- All statewide offices
- US Senators
- Congressional Representatives
- All candidates whose districts encompass more than one county

No later than the 30th day following a general election the OSOS shall canvass and certify the returns of the general election for


- All statewide offices
- US Senators
- Congressional Representatives
- All candidates whose districts extend to more than one county
- All state measures

FINISHING UP

An election is not completing until everything is tidy.

Following certification

- For general elections only - Calculate next year's validation figures for every special taxing district)
- Wait to change data in the VRDB until after certification and/ or validations figures
- Organize and label records by election type and date
- Save reports in a format allowing access later on

 *When storing documents, include the "hold until" date and the deposition number per the retention schedule on the label.*

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VALIDATION FIGURES

WA CONST. ART. VII §2

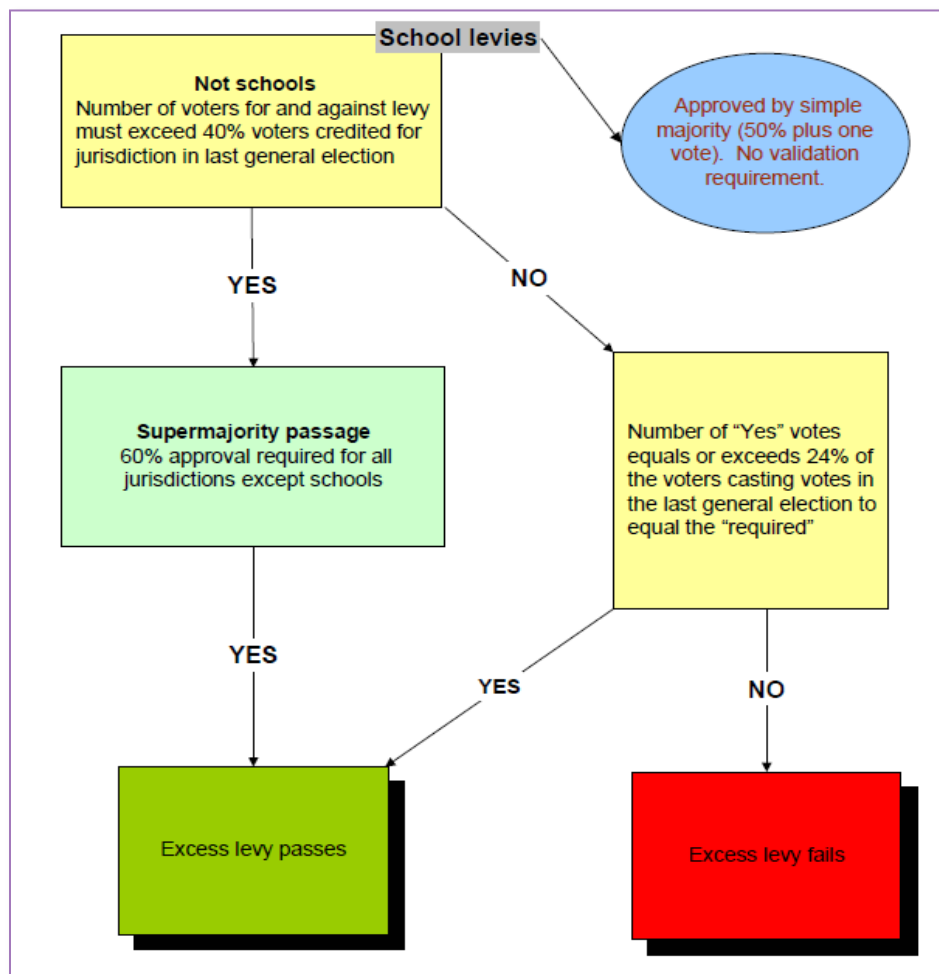
Validation numbers determine the minimum voter participation for passage of levies and bonds. Validation figures must be determined for every minor taxing jurisdiction. These numbers are based on the unaltered list of credited voters from the preceding general election.

- Create validation number report immediately after certification of the general election
- Do not begin registration record updates until validation numbers are calculated and recorded

Validation figures are:

- 40% of voters casting ballots in each district in the general election equal the minimum number of voters participating in a levy or bond election for the following year
- Simple majority - 50% plus one vote
- Supermajority - 60% of the votes cast. A levy may pass if yes votes equal 60% of the 40% validation number, even if when not meeting the validation threshold

PASSAGE OF AN EXCESS LEVY UNDER 60/40 RULE

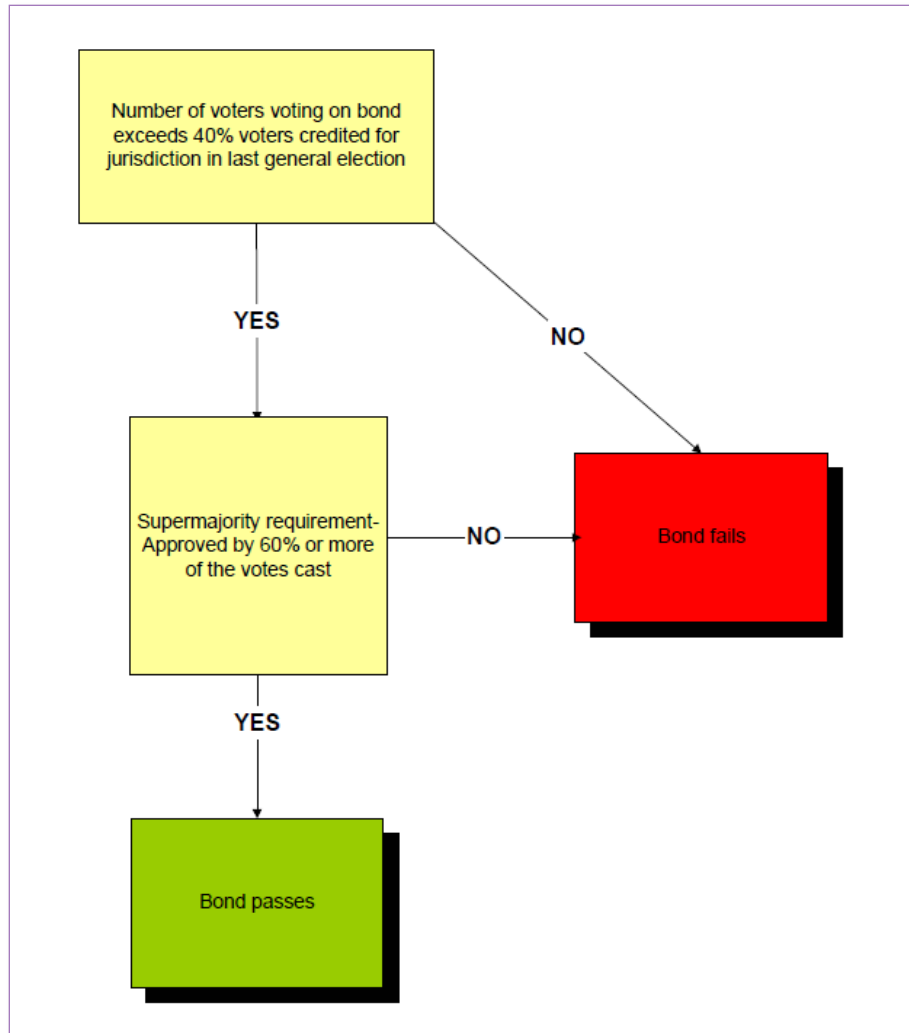


All district excess levies, except for those proposed by school districts, must meet or exceed a minimum voter participation level.

This minimum may be determined by either the number of votes cast *or* the number of "yes" votes cast.

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PASSAGE OF A BOND



Passage of a bond, regardless of the type of jurisdiction, requires that total votes cast meets the validation number *and* the 60% approval rate. Unless a measure's results meet both requirements, the bond fails.

i The February 10, 2006 Clearinghouse, regarding calculating and implementing validation figures, is available under Completing the Election on the SOS [Clearinghouse Notices](http://www.sos.wa.gov/elections/auditorsCTP/ClearinghouseNotices.aspx) page at <http://www.sos.wa.gov/elections/auditorsCTP/ClearinghouseNotices.aspx>.

RECORDS RETENTION

Retain all records, including electronic files, according to the retentions schedules found at <http://www.sos.wa.gov/archives/RecordsRetentionSchedules.aspx>.

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5.3 RECOUNTS**29A.64, WAC 434-264****DEFINITION**

A recount is the process for re-tabulating the votes for a specific office or issue on all valid ballots, including write-ins, cast in a primary or election. If a ballot has been duplicated in accordance with WAC 434-261-005, the duplicate (not the original) shall be counted.

WHAT INITIATES A RECOUNT?

Recounts are initiated by a request or are mandatory if the spread of votes between the potentially qualifying candidates are within the range specified by state law. A race or issue may be recounted only twice.

Jurisdiction	Requested Recount	Mandatory Recount	Hand Recount
State Race	Written request within 2 business days of certification	Less than 2000 votes difference, AND	Less than 1000 votes, AND
		Less than ½ of one percent	Less than ¼ of one percent
Measure	In writing within 2 business days of certification	Less than 2000 votes difference, AND	Less than 1000 votes, AND
	Requested by 5 or more registered voters	Less than ½ of one percent	Less than ¼ of one percent
Local Race	Written request within 2 business days of certification	Less than 2000 votes difference, AND	Less than 150 votes, AND
		Less than ½ of one percent	Less than ¼ of one percent
Local Measure	Written request within 2 business days of certification	No legal mandate	No legal mandate
	Requested by 5 or more registered voters		

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REQUESTED RECOUNTS

A recount may be requested in writing:

- For an office, by a candidate of that office or officer of a political party only
- For an issue or question, by any group of five or more registered voters only

A request for a recount must:

- Be made within two business days of certification of the election
 - For state offices, state measures and multi-county state offices, the request is filed with the Secretary of State
 - For single county, state, and local offices and multi-county minor taxing districts, the request is filed with the County Auditor
- Include:
 - The office or issue for which the recount is requested
 - Whether the recount is a machine or manual count
 - Whether the request is for all or only a portion of the ballots cast
 - A deposit depending upon the way the recount is conducted
 - Machine recount \$.15 per ballot
 - Manual recount \$.25 per ballot
- The requester is responsible for the entire cost of the recount and will receive a bill or refund for the difference

A requested recount is conducted in the same manner as a mandatory recount.

- The requester may stop the recount at anytime; however, recounts cannot be stopped before completion if the result would reverse the outcome
- If a partial recount reverses the outcome of the election, all the ballots for that race or question must be recounted
- If a full recount reverses the outcome of the race or question, the deposit is refunded

MANDATORY RECOUNTS

Mandatory recounts occur when the votes for offices or statewide measures fall within the statutory range. State law does not provide for a mandatory recount of a local issue.

- Recounts of any office or state measure, by machine or by hand, occur when the difference between the two candidates or state measure choices is
 - Less than 2000 votes difference, AND
 - Less than $\frac{1}{2}$ of one percent

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- For statewide offices or measures, ballots must be recounted by hand if the difference between the two candidates or choices is
 - Less than 1000 votes, AND
 - Less than ¼ of one percent
- For all other offices, ballots must be recounted by hand if the difference between the two candidates is
 - Less than 150 votes, AND
 - Less than ¼ of one percent
- Alternative method—If all candidates agree, an alternative recount method may be used

WHICH CANDIDATES ARE RECOUNTED?

The type of election determines which candidates, meeting the recount threshold, require a recount.

- In a primary, the second and third highest vote getters may require a recount
 - The highest vote getter automatically advances to the general election
 - If the top two are the close candidates, no recount is necessary
- In a general election, the top two vote getters may require a recount

CONDUCTING A MACHINE RECOUNT

The County Canvassing Board sets the date and time of the recount.

- The Secretary of State may set the date a multi-county recount must be finished and certified

The applicant and affected people are officially notified one day before the recount.

- Observers are allowed
- Different types of observers are prioritized in WAC when space will not accommodate all observer

The ballots to be recounted are assembled in the presence of observers.

- Ballots previously considered by the County Canvassing Board are counted as directed by the Board
- Ballot issues found during the recount, not previously addressed or included in the original count, are determined by the County Canvassing Board
- Ballot tabulators must be programmed to produce results for only the office or issue to be recounted

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DIGITAL SCAN COUNTIES

In a machine recount, digital tabulation equipment must be programmed to identify all ballots that include an undervoted office or ballot measure subject to the recount. Identified ballots must be inspected to confirm that no valid vote was cast.

If the inspection detects a vote cast that was not correctly counted by the tabulation equipment, the county auditor shall refer the ballot to the county canvassing board.

OPTICAL SCAN COUNTIES

In a machine recount, optical scan tabulation equipment must be programmed to out sort all ballots that include an undervoted and overvoted office or ballot measure subject to the recount.

All ballots identified must be inspected to confirm that no valid vote was cast. If the inspection detects a vote cast that was not correctly counted by the tabulation equipment, the county auditor shall refer the ballot to the county canvassing board.

Can a mandatory machine recount be conducted by hand?

Yes, the recount may be manual if the County Canvassing Board determines this is a better method to use.

CONDUCTING A HAND RECOUNT

Hand recounts are conducted in the same manner as machine recounts up to running the ballots through a tabulator.

- Ballots are counted by counting board(s), comprised of at least two members
 - One representative from the two major political parties; or
 - Two staff members from the County Auditor's Office
- Ballots must be sorted and counted by precinct
- Only the votes for the office or issue may be recounted
- Each board will receive one precinct at a time
 - Ballots are sorted into separate stacks, one for each candidate or response, undervotes, overvotes, and write-ins
 - Each stack is manually counted by each board member to confirm the number of votes in each stack
 - If the members' counts match, the results are reported
 - If the counts do not match, the stacks are counted again by the same board
 - If the counts still do not match, the ballots are issued to another counting board

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- The procedure for completing the recount is the same as a machine recount

CERTIFYING A RECOUNT

The County Auditor prepares an amended abstract of the recounted ballots for the County Canvassing Board. The abstract must include for the office or measure that was recounted:

- a revised cumulative summary
- votes cast in each precinct

The County Canvassing Board must review and approve the amended results. If the results do not match the original results, the board will verify that all the ballots have been recounted and resolve any discrepancies.

TIED RACES

If after a recount is conducted, the results for the candidates are tied, then the winner is determined by lot.

Depending upon the office, either the County Canvassing Board or the Secretary of State must designate the time and place for the lot draw, notify the affected candidates, and certify the winner.

Measures are not subject to lot draws—they either have enough votes to pass or they fail.

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